IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

Bail Appl..No. 7133 of 2007

(CRIME NO. 192/2007 OF ARYANCODE POLICE STATION PENDING CMP.9098/2007 OF J.M.F.C.-I,NEYYATINKARA
.....

PETITIONER/1ST ACCUSED

GIREESH KUMAR, S/O. SURENDRAN NAIR,
KULATHINKARA PUTHEN VEEDU, KUTTIANIKAD DESOM,
KEEZHAROOR VILLAGE.

BY ADV. SRI.R.GOPAN

RESPONDENTS: COMPLAINANTS
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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
ARYACODE POLICE STATION.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 7133 of 2007

Dated this the 21st day of November, 2007

ORDER

Application for regular bail. The petitioner is the 1st accused. Altogether, there are 4 accused persons. They face allegations for offences punishable, inter alia, under Secs.308 and 326 read with Sec.149 of the IPC. The crux of the allegations against the petitioner is that he along with four other accused persons, on account of prior animosity, attacked the de facto complainant. He was beaten and kicked. A stone was taken and he was hit. It is on these allegations that a crime has been registered under Secs.326 and 308 of the IPC.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The petitioner has been continuing in custody from 30/10/07. There is no grievous hurt suffered by the de facto complainant at all. The allegation under Sec.308 of the IPC has been raised with transparent mala fides. There are no circumstances at all which suggest

that an offence under Sec.308 of the IPC has been committed. In these circumstances, the petitioner may be granted regular bail now he having remained in custody from 30/10/07 and the incident having taken place on 23/10/07.

3. The learned Public Prosecutor does not oppose the application. The learned Public Prosecutor submits that the material presently available does not clinchingly indicate that the victim has suffered any grievous hurt. I am satisfied that the petitioner can now be granted regular bail subject to appropriate terms and conditions.

4. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and

Fridays between 10 a.m. and 12 noon for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT, JUDGE)

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